

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

SOP SERVICES, INC.,)	
BEAR ARCHERY, INC.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
VITAL HUNTING GEAR, INC.,)	
ABBAS BEN AFSHARI,)	
)	
Defendants.)	3:11-cv-00112-RLY-WGH
)	
_____)	
ABBAS BEN AFSHARI,)	
)	
Counter Claimant,)	
)	
vs.)	
)	
BEAR ARCHERY, INC.,)	
ESCALADE INCORPORATED,)	
JACK BOWMAN,)	
)	
Counter Defendants.)	

**ORDER ON BEAR ARCHERY’S MOTION TO STRIKE AFSHARI’S
SUMMARY JUDGMENT MOTION**


The Second Amended Case Management Plan requires that “any summary judgment motions shall be filed by not later than 135 days after the Court’s *Markman* decision.” (Docket # 78-1, III.AA). The court issued its *Markman* decision on June 5, 2013; thus, all summary judgment motions in this case were required to be filed by October 18, 2013. Defendant/Counterclaim Plaintiff Abbas Ben Afshari filed his Motion

for Summary Judgment of Validity and Infringement and Dismissal of Claims Made by Bear Archery Against Ben Afshari Personally on November 14, 2013. Accordingly, Plaintiffs/Counterclaim Defendants, SOP Services, Inc. and Bear Archery (collectively “Bear Archery”), move to strike as untimely Mr. Afshari’s Motion.

Mr. Afshari proceeds in this action *pro se*. Although *pro se* litigants are entitled to lenient standards, compliance with the deadlines imposed by the Case Management Plan must be enforced particularly where, as here, there is no valid reason given for the late response. *Members v. Paige*, 140 F.3d 699, 702 (7th Cir. 1998) (“rules apply to uncounseled litigants and must be enforced”). Accordingly, Bear Archery’s Motion to Strike Afshari’s Summary Judgment Motion (Docket # 112) is **GRANTED**.

Even if the court were to consider the merits of his Motion for Summary Judgment, the court would deny Mr. Afshari’s cross- motion for the reasons set forth in its Entry on Bear Archery’s Motion for Summary Judgment.

SO ORDERED this 24th day of January 2014.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.

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